

TOWNSHIP OF MARLBORO
ZONING BOARD OF ADJUSTMENT

MINUTES
ZONING BOARD OF ADJUSTMENT
June 3, 2008
REGULAR MEETING
SALUTE TO FLAG
SUNSHINE LAW READ

ROLL CALL

PRESENT: Glenn Malysz, Robert Knight, Michael Mahon,
Adrianne Spota, Michael Fishman, Steven Pitchon,
Jennifer Bajar, Matthew Weilheimer, Lewis Wildman

ALSO PRESENT: Michael Steib, Esq. Board Attorney
Sarah Paris, Administrative Officer
David Thesing, Engineer

The Board accepted the minutes of May 20, 2008.

MINUTES APPROVED:

| | | | |
|----------|--------------|----------|---------------|
| Offered: | Glenn Maylsz | Second: | Robert Knight |
| Ayes: | 7 | Nays: | 0 |
| Absent: | 0 | Abstain: | 0 |

No Public Session.

ZB 07– 6291 Retamazo Romulo

Continuation of a public hearing for approval to construct a two story addition, front porch and deck to an existing house on an undersized lot known as 575 Route 520, Marlboro, Block 214, Lot 17 in the LC – Land Conservation zone.

A letter dated May 22, 2008, from Mr. Pape, was read into the record. Additional time is needed for their engineers to complete their work. He requested that this hearing be carried to a date in July. A hearing date of July 15, 2008 was assigned. Notice will be required.

ZB 07- 6314 Bonura, Dominick, J.

Continuation of a public hearing for approval to construct an addition to an existing dwelling on an undersized lot at 122 Dutch Lane Road, Marlboro, Block 363.01, Lot 4, in the R-80 – Residential zone.

A letter dated May 28, 2008 from Dominick Bonura was read into the record. Mr. Bonura is not prepared for this meeting and requests to be carried to a date in July. The next available date is August 5, 2008. The application is carried to this date with no further notice required.

ZB 08- 5329 – Sakoutis Builders & Land Developers, LLC.

Public hearing for approval to construct a single family dwelling on a lot with insufficient frontage and width at 492 Tennent Road, Morganville, New Jersey, Block 299, Lot 118, in an R-80 Residential zone.

The Board took jurisdiction. The following exhibits were read into the record:

- A – 1 Petition on Appeal
- A – 2 Denial by Zoning Officer
- A – 3 Indemnification and Hold Harmless Agreement
- A – 4 Disclosure Statement
- A – 5 W 9
- A – 6 Tax Collector's Certification
- A – 7 Notice To Adjoining Property Owners
- A – 8 Adjacent Property Listing
- A – 9 Certified White Receipts and Green Cards
- A – 10 Affidavit of Service
- A – 11 Affidavit of Publication
- A – 12 Owner's Affidavit of Authorization and Consent
- A - 13 Affirmation of Local Pay To Play Ordinance dated 2/8/08.
- A – 14 Application Affidavit of Completeness
- A – 15 Plot Plan, Block 299, Lot 118, by Donna M. Dunn, P. E., 3D Engineering, Inc., 2544 Lacey Road, Forked River, NJ 08731, dated March 19, 2008.
- A – 16 Gravatt Consulting Group Report prepared by David A. Thesing, P. E. , dated 5/8/08.
- A – 17 Architectural plans prepared by Ronald M. Schneider & Associates, 1263 River Avenue, Lakewood, NJ 08701 dated December 20, 2007.

Mr. John Mensching, Esq., 1314 Hooper Avenue, Toms River, NJ 08753 introduces himself on behalf of applicant. Mr. Sakoutis would like to bring the existing 1930's type building into conformity with the rest of the neighborhood. The lot located in the R80 residential zone is short on lot coverage; insufficient frontage, width, and side yard setbacks for accessory structure. The applicant applied to the Zoning Officer for permission to: construct a new single family two story residence.

Credentials were accepted by the Board for Donna M. Dunn, 3D Engineering Inc., 2544 Lacey Road, Forked River, NJ 08731. The property is located at 442 southwest of Clayton Avenue. The building is a one story structure; with masonry shed with the 13 foot shed remaining, unless the board wants it removed. The north part of property will need regrading. There are no curbs or sidewalks. They will comply with all items on the Gravatt Report in Item "C" and will also prepare a Storm Water Management report.

The minor plat and driveway detail is also ready to submit. Ms. Spota asked Ms. Dunn to check the plan regarding the 7,650 total lot coverage. It says there is approximately 6% lot coverage (including shed). Ms. Dunn said there is a numerical error and the plan will be corrected.

Discussion continued on the removal of the masonry buildings, which would eliminate one variance. Glenn Malysz asked if they move the shed, will they not conform. This item will be discussed in workshop.

Mr. John Sakoutis, 492 Tennent Road, Morganville, New Jersey 07751 is sworn in. Mr. Sakoutis stated he is the sole managing member of Sakoutis Builders & Land Developers, LLC and uses the front structure as his principal residence. The rear structure, a previous factory, was used for storage equipment and now wants to remove. Mr. Sakoutis said he wants to bring the structure up to the neighborhood standards. The building is very old.

The property drops off on one side; will anything be disturbed on the property? Ms. Dunn said there are some trees in the tree line being removed and a letter will be forwarded regarding replenishment.

Public Comments:

Mr. Arnold Greenberg, 493 Tennent Road, Morganville, New Jersey 07751 is sworn in. He asked if the variance is granted, does the owner completely develop according to the plans. Mr. Malysz said they will inspect and the landscaping will also be inspected. All items will be in the resolution.

Mr. Greenberg has been residing there over forty years. He has reviewed the plans; he and his neighbors believe this will be a definite improvement and encourages the Board to go forward with this variance.

Mr. Mensching stated the government did inspect one time and there was nothing wrong. John Sakoutis said this is not an industrial site and a discussion followed whether to involve the DEP.

Public Comments: None.

Workshop:

Offered by: Glenn Malysz

Seconded by: Michael Fishman

The Board members agreed that they would be in favor of the application. They discussed soil testing and taking the shed down.

Out of Workshop:

Offered by: Glenn Malysz

Seconded by: Michael Mahon

Offered by: Glenn Malysz

Seconded by: Robert Knight

Ayes: 7

Nays: 0

Absent: 0

Abstain: 0

Motion Approved.

ZB 08-6327– Berry, William J. Jr.

Public hearing for approval to remove a portion of existing home that crosses lot line and construct an 808 square foot addition to rear of house. Also, remove block garage structure from close to property line and rebuild it closer to house at 240 Clayton Lane, Morganville, NJ 07751, Block 299 Lot 120, located in the R-80 zone.

The Board took jurisdiction. The following exhibits were entered into the record:

- | | |
|--------------|--|
| A – 1 | Petition on Appeal |
| A – 2 | Denial by Zoning Officer |
| A – 3 | Indemnification and Hold Harmless Agreement |
| A – 4 | Disclosure Statement |
| A – 5 | W 9 |

- A – 6 Tax Collector's Certification**
- A – 7 Notice To Adjoining Property Owners**
- A – 8 Adjacent Property Listing**
- A – 9 Certified White Receipts and Green Cards**
- A – 10 Affidavit of Service**
- A – 11 Affidavit of Publication**
- A – 12 Owners Affidavit of Authorization and Consent**
- A - 13 Contribution/Disclosure Statement**
- A - 14 Affirmation of Local Pay To Play Ordinance dated 3/6/08**
- A - 15 Survey Map, Block 120, Lot 299, prepared by Joseph L. Lazok, PLS, Acre Survey Company, Inc.**
- A – 16 Plans prepared by Philip Paul, P.E., Structural Engineer, 5 Wenczel Drive, Lawrenceville, NJ dated 4/06/08.**
- A – 17 Gravatt Consulting Group report prepared by David A. Thesing, P.E., dated May 21, 2008.**
- A – 18 Stormwater Management Report prepared by Two River Engineering, Colts Neck, NJ dated 5/7/08.**
- A – 19 Plot Plan and Soil Erosion and Sediment Control Plan prepared by Two River Engineering, Colts Neck, NJ dated May 7, 2008**
- A – 20 Gravatt Consulting Group report prepared by David A. Thesing, P.E., dated May 21, 2008.**

William Berry, the owner of 240 Clayton Lane, Morganville, NJ 07751, Block 299 Lot 120, sworn in. Mr. Berry would like to remove a portion of the house and put on opposite side. Additionally, he is requesting to make the garage twenty feet in height, instead of fifteen feet. The loft is for storage purposes. The garage will not be a two car garage.

Mr. Berry stated the house will remain, with kitchen and bathroom being extended. The three bedrooms with bath will be increasing in size.

Mr. Thesing said the survey did not provide the square footage and the listed zoning was wrong. There is a request for higher lot coverage. If the total is 7.1, including garage and shed, it will require a variance since it exceeds 5.1 coverage. Mr. Malysz asked how to solve the lot coverage question? The number will have to be known for final approval; does Mr. Berry come back at another time?

Mr. Steib suggested taking a vote to approve, before resolution, and also to provide a new report to engineers. Mr. Steib said Mr. Berry can have as long as forty-five days.

The question of the shed being over the neighbor's property line was discussed and whether it will be a future issue.

Workshop:

Offered by: Glenn Malysz

Seconded by: Michael Mahon

The Board members agreed that they would be in favor of the application. They approve of the garage height and think the shed should be taken down and rebuilt elsewhere on the site in a conforming location. They are also in favor of 7% and 9% on the coverage.

Out of Workshop

Offered by: Glenn Malysz

Seconded by: Michael Fishman

Glenn Malysz:

The Board agreed to vote and to approve with variances as stipulated in 5/28/08 letter. Additionally, the shed is to be taken down and rebuilt. The lot coverage is to be: 7% for the building, total of 9%, twenty feet on the garage.

Offered by: Glenn Malysz

Seconded by: Robert Knight

Ayes: 7

Nays: 0

Absent: 2

Abstain: 0

Motion to grant application with the following conditions:

Report must be submitted to engineers regarding proper lot coverage and

Subject to shed removal

Motion Approved.

Year End Report Discussion

The report reflects what we heard previously.

Additional item to be added to report regards storage pods with discussion on possibly adding an ordinance to limit them. It may be brought to council's attention, and may be enforced with a time limit on a permit. It was recommended that council look into as it is a growing problem in town.

It was also discussed that new houses in the future should be required to be within lot coverage. This is just a clarification for council.

With regard to a fence and lot coverage, should you only go out and look at fence or is something else in violation (i.e. shed) should applicant be told. Applicant certifies the property is exact on survey. How in depth do you want professionals to look at?

Mr. Steib said Marlboro's review is more comprehensive than other municipalities. I cannot tell you this is wrong, especially if this is the only chance you get to make things right. If there is a blatant violation, you will recognize.

Glenn Malysz said you must be responsible, make sure a neighbor is not encroaching. We have an obligation. People do things that are not in accordance.

Sarah Paris said everyone is noticed within 200 foot prior.

Mr. Steib commented if you want to control these things, they should be put into ordinances. This is not a zoning issue.

Mr. Knight said when you have a fence application, you invite any additional queries. Mr. Weilheimer agrees. Mr. Mahon said when you purchase, you inherit responsibilities. Mr. Fishman said we set precedence through the years. Glenn Malysz said now we look at everything. Everyone agreed. Glenn Malysz, Jennifer Bajar and Michael Fishman will approach Council.

ZB 08-6304— Borbely, Scott

Discussion regarding correction to resolution dated August 21, 2007 and memorialized September 4, 2007. Estimate on distance 65-75 feet was incorporated into resolution. Turned out to be 57 feet. Scott requested to stick to what was on plan, changing to 65 ft distance from top of bank.

M E M O R I A L I Z A T I O N

ZB 08-6326– Carrino, Chris & Laura

Memorialization of a Resolution granting an approval to construct a 20' x 26.5' addition to existing home, which exceeds permitted lot coverage for principal structure at 13 McDonald Road, Marlboro, NJ, Block 345 , Lot 7, in the R-30/20 zone.

Offered by: Glenn Malysz

Seconded by: Michael Fishman

Ayes: 6

Nays: 0

Absent: 2

Abstain: 0

Meeting adjourned.

Respectfully,

Yvonne M. Cautillo

